



MILPITAS PLANNING COMMISSION AGENDA REPORT

October 14, 2015

APPLICATION: **ZONING TEXT AMENDMENT – ZA15-0004** – A request for a Zoning Text Amendment to amend existing provisions and adopt new provisions in the Zoning Code to establish review requirements and general regulations for special events and activities.

RECOMMENDATION: **Staff recommends that the Planning Commission:**
Conduct the public hearing and adopt Resolution No. 15-017 recommending the City Council adopt Zoning Amendment No. ZA15-0004 to amend the Zoning Code to add new provisions relating to special events and activities.

LOCATION:
 Address/APN: Citywide

PEOPLE:
 Project Applicant: City of Milpitas
 Consultant: NA
 Property/Business Owners: NA
 Project Planner: Cindy Hom, Assistant Planner

LAND USE:
 General Plan Designation: All
 Zoning District: All
 Overlay District: NA

ENVIRONMENTAL: This project is categorically exempt from further CEQA review pursuant to Section 15061(b)(3) (Review for Exemptions), Section 15060(c)(2) (Preliminary Review), Section 15183 (Projects Consistent with a General Plan, Community Plan or Zoning) of the CEQA Guidelines.

BACKGROUND

At the June 10, 2015, Planning Commission meeting, staff brought forward a proposed Zoning Text Amendment intended to create clear and concise zoning code provisions for Special Events. If approved, this amendment would amend existing provisions and add new provisions to the Zoning Code to clarify the requirements for special event applications, formalize the review process and establish general regulations related special events and activities.

The Planning Commission continued the item from the June 10th meeting, in order for staff to provide information on current costs related to Special Events.

Current Costs of Special Event Permit

Special Event Permit Applications to the City of Milpitas currently require a minimum initial deposit of \$250. This deposit is intended to recover costs related to application review and project administration. The City Council can reduce or waive fees up to a maximum amount of \$1500 at their discretion, if asked by applicants.

After an event has occurred, applicants are also invoiced for staff time related to inspections required by various City departments. Invoiced amounts vary based on the size and duration of the event, ranging from several hundred to several thousand dollars.

PROJECT ANALYSIS

Proposed Amendments

The proposed Zoning Ordinance amendment would (i) delete the definition of “Special Events” from Section 2 “Definitions”; (ii) amend Section 13 “Special Uses” to delete the existing special event provisions; (iii) add a new Section 15 entitled “Special Events and Activities; (iv) amend Section 24 “Signs” to delete reference to Section 13 “Special Uses” and add a new reference to the new Section 15 “Special Events and Activities,” (v) delete the reference to “Special Events and Activities” in Table 57.04-1 “Applications”; and (vi) add a new reference to “Special Event Permits” to Table 64.02-1 “Development Review Process.” The proposed changes are indicated in the draft resolution as part of the Planning Commission packet.

FINDINGS

Pursuant to Section 57 of the Zoning Code, the Planning Commission is required to make specific Findings before recommending approval of a Zoning Amendment. Findings must identify the rationale behind the decision to take a certain action. Each code-required Finding is analyzed below.

Zoning Text Amendment (Section XI-10-57.02.G.3)

1. The proposed amendment is consistent with the General Plan.

The proposed Ordinance is consistent with and implements the City of Milpitas’ General Plan. The Ordinance promotes and encourages events for the greater good and cultural diversity of the City and establishes a structured process for permitting special events and activities that insures the City, residents and visitors have adequate notice of proposed events and activities and that the events and activities are properly planned and coordinated.

The project is also consistent with the following General Plan Land Use Element Guiding Principles and Policies:

- Implementing Policy No. 2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.
- Implementing Policy No. 2.d-G-2 - Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth.

2. *The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas.*

The proposed zoning amendment will include provisions to ensure public health, safety, and the general welfare standards are met for special events and activities. The zoning provisions will provide requirements, establish permit application filing procedures, and provisions for permit approvals and denials.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”

Prior to adopting this Ordinance, the Planning Commission independently finds and determines that this action is exempt from CEQA (California Environmental Quality Act) pursuant to CEQA Guidelines sections 15060(c)(2) (Preliminary Review), 15061(b)(3) (Review for Exemptions), and 15183 (Projects consistent with a Community Plan, General Plan, or Zoning), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public. The table below provides a summary of the City’s public noticing efforts for this project.

Public Noticing Summary

Notice of Public Hearing	Agenda
<ul style="list-style-type: none"> ▪ Public hearing notice posted in the Milpitas Post (<i>14 days prior to the hearing</i>) ▪ Posted on the City's official notice bulletin board (<i>10 days prior to the hearing</i>) 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (<i>5 days prior to the hearing</i>) ▪ Posted on the City of Milpitas’s Web site (<i>one week prior to the hearing</i>)

CITY COUNCIL REVIEW

This item is scheduled as a public hearing by the City Council on November 3, 2015.

CONCLUSION

The proposed changes are intended to create clear and concise zoning code provisions for special events and activities that ensures all special events are conducted in a safe and orderly fashion to benefit all those who live in and visit the City of Milpitas.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the public hearing to receive comments;
2. Close public hearing;
3. Adopt Resolution No. 15-017 recommending the City Council adopt Zoning Amendment No. ZA15-0004 to adopt a new Special Event Ordinance, based on the above findings.

ATTACHMENTS

- A. Resolution No.15-017
 - a. Exhibit A: Draft Ordinance